

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:15-CR-326-1BO

UNITED STATES OF AMERICA :

v. :

SHAWN SAMUEL BURTON :

PRELIMINARY ORDER OF FORFEITURE

WHEREAS, pursuant to the entry of a plea of guilty by the defendant, Shawn Samuel Burton, on April 4, 2016 to violations of 21 U.S.C. § 841(a)(1), and 18 U.S.C. §§ 922(g)(1) and 924, and further evidence of record and as presented by the Government, the Court finds that the following personal property is hereby forfeitable pursuant to 18 U.S.C. § 924(d)(1) and 21 U.S.C. § 853, to wit:

Personal Property

(1) a Kel-Tech, 5.56 caliber semi-automatic rifle, serial number: P6526 and associated ammunition; (2) a Taurus, .357 caliber revolver, serial number: OF292651 and associated ammunition; (3) a Armi Fratelli, 9mm semi-automatic handgun, serial number: G08466 and associated ammunition; and, (4) a 2003 Ford Expedition, VIN: 1FMFU18L63LA50421; and

WHEREAS, by virtue of said finding, the United States is

now entitled to possession of said personal property, pursuant to Fed. R. Crim. P. 32.2(b)(3);

It is hereby ORDERED, ADJUDGED and DECREED:

1. That the United States is hereby authorized to seize the above-stated personal property, and it is hereby forfeited to the United States for disposition in accordance with the law, including destruction, subject to the provisions of 21 U.S.C. § 853(n), as allowed by Fed. R. Crim. P. 32.2(b)(3). In accordance with Fed. R. Crim. P. 32.2(b)(4)(A), this Order is now final as to the defendant.

2. That upon sentencing and issuance of the Judgment and Commitment Order, the Clerk of Court is directed to incorporate a reference to this Preliminary Order of Forfeiture in the applicable section of the Judgment, as required by Fed. R. Crim. P. 32.2(b)(4)(B).


3. That pursuant to 21 U.S.C. § 853(n), the United States shall publish notice of this Order and of its intent to dispose of the property in such manner as the Attorney General or the Secretary of Treasury directs, by publishing and sending notice in the same manner as in civil forfeiture cases, as provided in Supplemental Rule G(4). Any person other than the defendant, having or claiming any legal interest in the subject property must file a petition with the Court within 30 days of the

publication of notice or of receipt of actual notice, whichever is earlier.

The petition must be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the subject property, and must include any additional facts supporting the petitioner's claim and the relief sought.

4. That upon adjudication of all third party interests this Court will enter a Final Order of Forfeiture pursuant to Fed. R. Crim. P. 32.2(c)(2).

SO ORDERED. This 16 day of August, 2016.


TERRENCE W. BOYLE
United States District Judge